IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A. No. 1021 of 2007
Date of decision: 02.04.2007

State of Haryana etc.

..... Appellants.

Versus

Baldev Singh

..... Respondent.

CORAM: HON'BLE MR. JUSTICE M.M. AGGARWAL

Present:- Mr. Jitendra Chauhan, Addl. A.G. Haryana,
for the appellants.

M.M. AGGARWAL, J. (ORAL)

This is a Regular Second Appeal against the judgment and decree dated 22.12.2006 of Additional District Judge, Gurgaon, whereby an appeal filed by the State of Haryana against the judgment of the trial Court dated 03.12.2005, was dismissed.

Plaintiff now respondent had filed a suit for permanent injunction and in alternatively mandatory injunction against the State which was decreed and appeal filed by the State had been dismissed. By way of decree of the trial Court, the trial Court while passing the decree had given the defendant-State liberty to refix the pay of the plaintiff after granting opportunity of hearing to the plaintiff, but had held that the State could not recover the amount paid in excess for the past period.

There are concurrent findings.

No law point is involved in this Regular Second Appeal.

Dismissed. However, the appellant-state is at liberty to refix the pay after granting opportunity of hearing as per decree of the trial Court.

April 02, 2007 **(M.M. AGGARWAL)**
Dinesh **JUDGE**